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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,604	06/30/2000	Robert C. Allison	PD-00W014	8542

7590 06/05/2003

Leonard A. Alkov, Esq.
Raytheon Company
EI/E150
P.O. Box 902
EI Segundo, CA 90245-0902

EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	14

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 3 March 2003 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 5, 13, 14, 21, 25-29, 31, 33-36 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 27, 5, 14, 21, 26, 28, 29, 34, 31, 35, 33, 36 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are: ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

SN 607604

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Claims 27, 5, 14, 21, 26, 28, 29, 34; 31, 35, 13; 33, 36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Again with respect to claims 27, 31, 33, the amended limitation "selectable individually and in parallel combination" is not supported by the original specification and is thus treated as "new matter". Applicants' have directed the examiner to pages 23, 24 of the specification and Figs. 19, 20. However, a fair reading of such description in conjunction with the drawing figures appears to indicate that reactance elements (406, 408, 410), at any one time, will be individually selected (e.g. 406 selected while 408, 410 not selected, etc) or in the alternative more than one reactance element will be selected to form parallel combinations (e.g. 406, 408 selected) to for a parallel combination while 410 is not selected, etc). However, this disclosure does not and cannot support that both a single reactance and a parallel combination of reactance are selected at any one time as recited by the amended claim limitation. Moreover, given the specification description of Figs. 19, 20 (summarized by the examiner above), it appears that the original claim limitations use of "or" rather than the amended "and" more properly and correctly characterizes this aspect of the invention.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 31, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Loo et al (both of record) for reasons of record.

Claims 33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa in view of the combination of Meyer and Loo et al (all of record) for reasons of record.

Claims 27, 5, 14, 21, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loo et al and Mayer, taken together (both of record) for reasons of record.

Applicant's arguments filed 3 March 2003 have been fully considered but they are not persuasive. Applicants' have argued the references of record, whether viewed individually or in combination fail to meet the claimed limitation that the "reactance" can not be "selected in parallel combination". It has been pointed out that the reactance (z, z1) in Meyer can only be alternatively selected (r.e. either Z or Z1 selected) and can not be selected in parallel combination.

While it is acknowledged that the reactance (z, z1) in can not be selected in parallel combination, it is also acknowledged that reactance (z) or (z1) can be individually selected. However, as pointed out in the above "new matter" rejecting the issue of whether the reactance being "selectable individually and in parallel combination" is in dispute. Accordingly, the examiner has reasonably interpreted the "selectable individually and in parallel combination" limitation as being alternative (i.e. the selection is either individually or in parallel combination as to be consistent with the specification. Therefore, given the alternative interpretation of the reactance selection, the individual selection of either reactance (z) nor (z1) in Meyer properly


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meets the "selectable individually" limitation recited in the claims. In other words, the alternative interpretation merely requires either the individual reactance being selected or the parallel combination being selected rather than the untenable requirement that the reactance being both selected individually and in parallel combination.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number (703) 308-4902.


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

B LEE/pj

05/30/03